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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,142	09/09/2003	Ed H. Frank	14184US02	5401
23446	7590	08/25/2009	EXAMINER	
MCANDREWS HELD & MALLOY, LTD			PARK, JUNG H	
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SUITE 3400			ART UNIT	PAPER NUMBER
CHICAGO, IL 60661			2419	
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			08/25/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/658,142	FRANK, ED H.
	<b>Examiner</b>	<b>Art Unit</b>
	JUNG PARK	2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 June 2009.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Remark***

1. This communication is considered fully responsive to the amendment filed on 06/01/09.
  - a. Independent claims 1, 11, and 21 have been changed.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
3. Claims 1-9, 11-19, 21-29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moelard et al. (US 5,371,738, "Moelard") in view of Wang et al. (US 5,875,185, cited in the previous PTO-892, "Wang").

**Regarding claim 1**, Moelard discloses a method for providing location based configuration in a hybrid wired/wireless network, the method comprising:

- identifying a location of a network device (identifying the location of the mobile wireless station (MWS), see 30 fig.7 and col.2, ln.56-59) within the hybrid wired/wireless network (fig.7), the network device being movable within the hybrid wired/wireless network (mobile wireless station, see 30 fig.7);
- determining configuration information (switch MWS to BS2 for handover, see 216 fig.11) corresponding to the determined location of the network device (identifying the location of the mobile wireless station, see 30 fig.7 and col.2, ln.56-59); and
- communicating the determined configuration information to the network device (request and response regarding to the location of MWS, see 218-212 fig.11) for

providing location based configuration of the network device (switching the MWS to BS2, see 224 fig.11).

Moelard discloses that MSW decides to handover communication from a BS1 to BS2 as described in col.2, ln.58-60, but silent on the added limitation "determining, outside of the network device, configuration information for the network device." However, Wang discloses the handoff method based on the intra-switch mobility or inter-switch mobility and the switch, outside of the mobile network device, determines if mobile mobility is intra or inter switch (see fig.4, fig.6, 108 fig.9A, and col.8, ln.42-45). That is, the switch, outside of the network device, determines configuration information of hand-over for the mobile network device, the configuration information corresponding to the determined location of the network device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the handoff method based on the intra-switch mobility or inter-switch taught by Wang into the handover method of Moelard in order to decide if MWS's mobility is intra or inter switch within a different network configuration having the switch is connected to a plurality of base stations (Wang, col.8, ln.42-45).

Regarding claim 2, Moelard discloses, "wherein the network device is selected from the group consisting of an access device (stations, see 30, and 140-150 fig.10), an access point (BS, see 22 and 52 fig.10) and a switching device (switch for handover, see fig.10 and 224 fig.11)."

Regarding claim 3, Moelard discloses, "further comprising discovering configuration information from at least one of a database, and a memory associated with

at least one of the access point and the switching device (database for identifying MWS, see col.2, ln.56-59 and 130 fig.4; memory, see 128 fig.4)."

Regarding claim 4, Moelard discloses, "wherein the discovering further comprises scanning the database and the memory by the access device, access point and switching device to discover the configuration information (dynamic filtering database for identifying, see col.2, ln.56-59)."

Regarding claim 5, Moelard discloses, "wherein the determining further comprises scanning at least one RF channel by at least one of the access point and the access device to discover the configuration information (wireless transmission, see fig.5)."

Regarding claim 6, Moelard discloses, "wherein the RF channel is at least one of a broadcast channel and a setup channel (broadcast, see col.1, ln.41-42; connection, see 214 fig.11)."

Regarding claim 7, Moelard discloses, "further comprising updating the network device with the communicated configuration information (updating, see abstract; col.2, ln.42, ln.65)."

Regarding claim 8, Moelard discloses, "further comprising dynamically updating the network device with the communicated information whenever it is determined that at

least one network setting corresponding to a location of the network device has changed (updating for handover, see abstract; col.2, ln.42, ln.65)."

Regarding claim 9, Moelard discloses, "wherein the determined information is at least one of bandwidth etiquette and sharing rules, channel availability, preferred channel, and available communication protocols (different frequency channels, see fig.5 and col.5, ln.50-53)."

**Regarding claim 11**, it is a claim corresponding to claim 1, except the limitation of "a computer-readable medium (a processor and a memory, see fig.4) and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Regarding claims 12-19, they are claims corresponding to claims, 2-9, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

**Regarding claim 21**, it is a system claim corresponding to claim 1, except the limitation of "an identifier, a determinator (inherent to have an identifier and a determinator for identifying and determining functions as rejected in claim 1), and a communicator (fig.4) and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Regarding claims 22-29, they are claims corresponding to claims, 2-9, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Regarding claim 31, Moelard discloses, “further comprising at least one querying agent for querying a network device for location information (a controller for managing to store filtering information, see col.4, ln.43-50).”

Regarding claim 32, Moelard discloses, “further comprising at least one informing agent for informing at least one of the access point, access device and switching device of at least one network parameter related to location based configuration (parameters within handover request message, see fig.6).”

4. Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moelard in view of Wang and further in view of Augart (US 7200673, cited in the previous PTO-892, “Augart”).

Regarding claims 10, 20, and 30, Moelard discloses, “triangulating locations of network routing devices named in the received routing information to determine the location of the network device (as shown in fig.7)”, but Moelard and Wang are silent on the following recited limitation. However, Augart discloses the limitation, “wherein the determining further comprises: sending a ping message (a probe packet, see 150 fig.2 and col.4, ln.56-67) to at least one network routing device; receiving routing information associated with the ping message (TTL values, see col.4, ln.56-67).” Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to

apply the probe packet taught by Augart into the hybrid network of Moelard and Wang in order to determine the maximum additional number of hops using Time-To-Live (TTL) field within the probe packet for routing purpose (Augart, see col.4, ln.56-67).

### ***Response to Arguments***

5. Applicant's arguments with respect to claim 1 have been fully considered but they are not persuasive.

At page 12-13, applicant argues that "there is simply no determining of the location of the mobile device within the network."

In reply, applicant claims "identifying a location of a network device within the network" instead of "determining of the location of the mobile device within the network." Moelard explicitly discloses that the identifying method reads on "filtering database in each the base station identifies the location of the mobile wireless station relative to the base station" as described in col.2, lines 56-59.

6. Applicant's arguments with respect to the added claim have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Park/  
Examiner, Art Unit 2419

/Jayanti K. Patel/

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Supervisory Patent Examiner, Art Unit 2419